

REMARKS

Reconsideration of the application in view of the present amendment is respectfully requested.

By the present amendment, Claims 1 and 9 have been amended .

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

The Examiner rejected Claims 1-3 and 5-9 under 35 U.S.C. § 102(b) as being anticipated by and Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Tsuchiya et al., Japanese Publication JP 2002-042753 (JP '753). It is respectfully submitted that Claims 1-9 are patentable over JP '753.

Specifically, both claims 1 and 9 recite that an air stream flows around the at least one separation wall along opposite sides of the at least one separation wall in opposite directions. This is not disclosed in JP '753.

In Japan '753, the air stream flows, as shown in Fig. 3, from the bottom to the top along opposite wall sides in the same direction. Clearly in Japan '753, the elements of the structure are arranged differently from the claimed arrangement.

JP '753 does not disclose a battery pack as claimed. Since JP '753 fails to disclose each and every feature of independent Claims 1 and 9, JP '753, as a matter of law, does not anticipate the present invention, as defined by said independent claims.

The Federal Circuit has mandated that 35 U.S.C. § 102 requires no less than “complete anticipation . . . [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim” (emphasis added). Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); See also, Electro Medical Systems S.A. v. Cooper Life Sciences, 32 U.S.P.Q. 2d 1017, 1019 (Fed. Cir. 1994); Verdegaal Bros., Inc. v. Union Oil Co., 2 U.S.P.Q. 2d at 1051, 1053 (Fed. Cir. 1987).

In view of the above, it is respectfully submitted that JP '753 does not anticipate or make obvious the present invention as defined in Claims 1 and 9, and the present invention is patentable over JP '753.

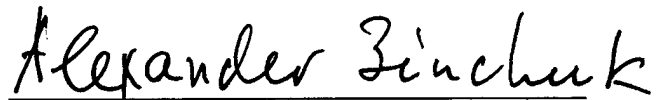
Claims 2-8 depend on Claim 1 and are likewise allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,



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Dated: March 14, 2006
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